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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LA MERLE RONNIE JOHNSON,  
Petitioner,  
v.  
ROSANNE CAMPBELL, Warden,  
Respondent.

C 07-2921 JSW

**RESPONDENT'S REQUEST FOR AN  
EXTENSION OF TIME TO REPLY TO  
MOTION TO DISMISS; SUPPORTING  
DECLARATION OF COUNSEL;  
[PROPOSED] ORDER**

Judge: The Honorable  
Jeffrey S. White

**REQUEST FOR EXTENSION OF TIME**

For the reasons set forth in the accompanying declaration of counsel, Respondent<sup>1/</sup> respectfully requests that this Court grant an extension of time, to and including February 21, 2008, in which to reply to Johnson's Opposition to Respondent's Motion to Dismiss.

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1. The proper respondent in this action is Acting Warden Richard Subia, not Rosanne Campbell. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994) (holding that the warden where the petitioner is incarcerated is the proper respondent); Rule 2(a), 28 U.S.C. § 2254.

## **SUPPORTING DECLARATION OF COUNSEL**

I, AMANDA J. MURRAY, declare as follows:

3       1. I am an attorney admitted to practice before the courts of the State of California  
4 and before this Court. I am employed by the California Attorney General's Office as a Deputy  
5 Attorney General in the Correctional Writs and Appeals Section, and am assigned to represent  
6 Respondent in this case.

7 2. Pursuant to the Court's October 26, 2007 Order to Show Cause, Respondent filed  
8 a Motion to Dismiss on December 12, 2007, alleging that Johnson had failed to exhaust his state  
9 court remedies. Johnson subsequently filed an opposition on December 21, 2007, but  
10 Respondent did not receive it until January 3, 2008. Thus, Respondent's Reply is due January  
11 18, 2008.

12       3.     In Johnson’s Opposition to Respondent’s Motion to Dismiss, he asserts that he  
13 presented his claims challenging the Board’s 2006 decision denying him parole to the California  
14 Supreme Court before seeking federal habeas relief. (*See generally*, Opp. to Mot. to Dismiss &  
15 Ex. B [Supreme Court Case No. S148483].) Accordingly, he argues that he has exhausted his  
16 state court remedies. (*Ibid.*)

17 4. Respondent has requested but not received Johnson's California Supreme Court  
18 petition and the Court's order denying his petition. These documents are necessary to determine  
19 the legitimacy of Johnson's argument and adequately respond to his opposition. Because I do not  
20 know when I will receive the documents, I respectfully request that Respondent's deadline to  
21 reply to Johnson's Opposition to Respondent's Motion to Dismiss be extended to February 21,  
22 2008.

23 5. This request for an extension of time is not made for any purpose of harassment,  
24 undue delay, or for any improper reason. Respondent has not requested any other extensions of  
25 time to respond to the Court's October 26, 2007 Order to Show Cause in this case.

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1       6.      Johnson is a state prisoner and cannot easily be contacted about this  
2 requested extension of time. Respondent would suffer substantial harm without this extension of  
3 time because I would unable to file proper and thorough response.

4 I declare under penalty of perjury that the foregoing is true and correct and that this  
5 declaration was executed on January 17, 2008, at San Francisco, California.

~~AMANDA J. MURRAY~~  
~~Deputy Attorney General~~

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Johnson v. Campbell**

No.: **C 07-2921 JSW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 17, 2008, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME TO REPLY TO  
MOTION TO DISMISS; SUPPORTING DECLARATION OF COUNSEL;**

**[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

La Merle R. Johnson (J-92682)  
Mule Creek State Prison  
P.O. Box 409060  
Ione, CA 95640-9060  
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 17, 2008, at San Francisco, California.

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M. Luna  
Declarant

  
Signature